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7 UKIAH CANNABIS BUYER'S CLUB,
8 CHERRIE LOVETT, MARVIN LEHRMAN
9 and MILDRED LEHRMAN

FILED
AUG -5 AM 11:00
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 vs.)
14 UKIAH CANNABIS BUYER'S CLUB,)
15 CHERRIE LOVETT, MARVIN LEHRMAN)
16 and MILDRED LEHRMAN,)
17 Defendants.)
18 AND RELATED ACTIONS.)

No. C 98-00087 CRB
DEFENDANT'S NOTICE OF APPEAL
TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT
OF FINAL JUDGMENT AND ALL
RELATED INTERLOCUTORY ORDERS

Date: August 9, 2005
Time: 10:00 a.m.
Court: The Hon. Charles R. Breyer

19 NOTICE IS HEREBY GIVEN that UKIAH CANNABIS BUYER'S CLUB, CHERRIE
20 LOVETT, MARVIN LEHRMAN and MILDRED LEHRMAN, Defendants in the above-styled action,
21 hereby appeal to the United States Court of Appeals for the Ninth Circuit from the final judgment of
22 the district court. This matter is a related case to Nos. C-98-00088 CRB and C-98-00086 CRB. This
23 Court previously entered final judgment by granting summary judgment and entering a permanent
24 injunction against Defendants in two separate orders dated May 3, 2002 and June 10, 2002, respectively.
25 Because these orders did not dispose of the claims of the interveners, this Court entered its July 29,
26 2002 Order Granting Defendants' Motion for Partial Judgment pursuant to Federal Rule of Civil
27 Procedure 54(b). On August 1, 2002, Defendants appealed this Court's orders to the United States
28 Court of Appeals for the Ninth Circuit. After fully briefing the appeal on the merits, on June 18, 2004,

1 the Ninth Circuit issued an order remanding Defendants' appeal to this Court for reconsideration
2 following the United States Supreme Court's decision in the related case of *Gonzales v. Raich*, ____
3 U.S. ____, 125 S.Ct. 2195 (2005). In an order dated June 6, 2005, this Court declined to reconsider its
4 prior rulings in light of the Supreme Court's opinion in *Raich*, which constituted final judgment after
5 remand. In addition to final judgment, Defendants also appeal all interlocutory orders that gave rise to
6 that judgment, including but not limited to:

- 7 • May 13, 1998 Memorandum and Order;
- 8 • May 19, 1998 Order Denying Defendants' Motion to Dismiss;
- 9 • May 19, 1998 Preliminary Injunction Order;
- 10 • September 3, 1998 Order to Show Cause;
- 11 • September 3, 1998 Order Re: Motion to Dismiss;
- 12 • September 8, 1998 Order Dismissing Motion to Modify Injunction;
- 13 • October 13, 1998 Memorandum and Order Re: Motions in Limine and Order to
14 to Show Cause;
- 15 • December 3, 1998 Order Denying Motion for Reconsideration;
- 16 • May 3, 2002 Memorandum and Order;
- 17 • June 10, 2002 Memorandum and Order;
- 18 • June 10, 2002 Judgment; Permanent Injunction;
- 19 • July 29, 2002 Order Granting Defendants' Motion for Partial Judgment; and
20 • June 6, 2002 Order.

21 Pursuant to Ninth Circuit Rule 3-2, attached is a Representation Statement that identifies all
22 parties to the action, along with the names, addresses, and telephone numbers of their respective
23 counsel. Pursuant to Ninth Circuit Local Rule 3-4, a Civil Appeals Docketing Statement is being
24 concurrently filed.

25 Dated: August 2, 2005

Respectfully submitted,
LAW OFFICES OF SUSAN B. JORDAN

26
27 By 

SUSAN B. JORDAN, ESQ.
Attorney for Defendants

1 CIRCUIT RULE 3-2 REPRESENTATION STATEMENT

- 2 1. Defendants/Appellants are UKIAH CANNABIS BUYER'S COOPERATIVE and CHERRIE
3 LOVETT, MARVIN LEHRMAN, and MILDRED LEHRMAN.

4 Counsel for Defendants/Appellants is:

5 Susan B. Jordan
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- 10 2. Plaintiff/Appellee is the UNITED STATES OF AMERICA.

11 Counsel for Plaintiff/Appellee is:

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- 20 3. Defendants OAKLAND CANNABIS BUYER'S COOPERATIVE and JEFFREY JONES.

21 Counsel for Defendants are:

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4. Defendants MARIN ALLIANCE FOR MEDICAL MARIJUANA and LYNETTE SHAW.

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